

House File 2088 - Introduced

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BY JONES and GUSTAFSON

A BILL FOR

1 An Act prohibiting the use of a patient's protected health
2 information by a hospital for fundraising communications.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135B.7, Code 2018, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. *a.* Notwithstanding any provision of
4 law to the contrary, including the federal Health Insurance
5 Portability and Accountability Act, permitting such use, the
6 department shall adopt rules prohibiting a hospital from using
7 a patient's protected health information for the purposes of
8 fundraising communications, unless a patient actively elects to
9 permit such use. The rules shall require a hospital to include
10 in the hospital's notice of privacy practices, information
11 regarding the prohibition and the opportunity for a patient
12 to elect to permit the use of the patient's protected health
13 information for the purposes of fundraising communications.

14 *b.* For the purposes of this subsection:

15 (1) "*Fundraising communications*" means fundraising
16 communications as described in 45 C.F.R. §164.514(f).

17 (2) "*Health Insurance Portability and Accountability Act*"
18 or "*HIPAA*" means the federal Health Insurance Portability and
19 Accountability Act of 1996, Pub. L. No. 104-191, including
20 amendments thereto and regulations promulgated thereunder.

21 (3) "*Patient*" means a person who has received or is
22 receiving health services from a hospital.

23 (4) "*Protected health information*" means protected health
24 information as defined in 45 C.F.R. §160.103.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 This bill requires, notwithstanding any provision of
29 law to the contrary, including the federal Health Insurance
30 Portability and Accountability Act (HIPAA), permitting such
31 use, that the department of inspections and appeals adopt rules
32 prohibiting a hospital from using a patient's protected health
33 information for the purposes of fundraising communications,
34 unless a patient actively elects to permit such use. The rules
35 shall require a hospital to include in the hospital's notice

1 of privacy practices, information regarding the prohibition
2 and the opportunity for a patient to elect to permit the use
3 of the patient's protected health information for the purposes
4 of fundraising communications. The bill provides definitions
5 of terms including "fundraising communications" and "protected
6 health information" relative to HIPAA.